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BANGALORE, THURSDAY, NOVEMBER 16, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 73—L. C., dated 9th November 1911.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, is published for general information with the Bill as amended by the Committee.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to further amend the Mysore Land Revenue Code.

We, the members of the Select Committee appointed to consider the Mysore Land Revenue Code Amendment Bill, have the honor to submit the following report to the Council.

2. We have carefully considered the provisions of the Bill and we are of opinion that on the whole they are suitable. We propose a few minor alterations which are explained below :—

3. We considered the question whether the superior holder should be allowed a 'first' charge or a 'paramount' charge on the holding and we came to the conclusion that 'first' charge would be the appropriate expression.

The Land Revenue Code (S. 54) gives Government a paramount charge, and as stated in the provision, a power to declare forfeiture seems to be the main incident of such paramount right. A superior holder, whether an Inamdar or not, does not possess such a right and so it does not seem to be proper to allow him a paramount charge.

4. We note that the language of clause 1 of the Bill is wide enough to include cases of superior holders of unalienated lands and after giving our careful consideration to the matter we agreed that there was no reason why superior holders of the latter class should not be allowed a privilege which is now for the first time to be allowed to the Inamdars. We may again explain here that the provision, in so far as Government lands are concerned, will apply only to cases of tenancy where the tenant has an interest in the land.

5. The question whether the term fixed in clause 2 of the Bill should not b extended by another year engaged our attention, but having regard to the fact tha the summary procedure laid down in Section 97 of the Code is primarily intende to be applicable to applications for relief which are free from complicated question of fact or law, we are of opinion that it is not desirable that the period should b further extended. As it is, the superior holder can practically recover three years dues through the Deputy Commissioner, *viz.*, the rent of the year of tenancy and o two subsequent years.

6. We recommend that the Bill be passed with the following alterations :—

7. *Clause 1.*—According to the Bill, the rate of interest to be allowed to th Inamdar on the arrears of rent or land revenue is to be at rates fixed by Govern ment under Section 154 for Government dues. This section authorises the Deput Commissioner to levy interest on Government arrears not exceeding the limits lai down in a scale to be fixed under the orders of Government. We consider it desir able that, in the case of the arrears due to the superior holders, the rate of interes to be charged should be fixed by Government itself and we accordingly suggest tha the words "under Section 154" be omitted. For the sake of clearness we recom mend that the words "together with interest at rates fixed by any rules framed by Government" be placed after "superior holder" in line 3 of the proposed Sectio 96 A, the brackets being omitted.

8. *Clause 3.*—In consequence of the changes that will be effected in the law by clause 1, a period of limitation has to be fixed in regard to three different classes of cases, *viz.*,—

(1) Cases where a superior holder has to recover arrears of *revenue* from an inferior holder,

(2) Cases where the *rent* or *revenue* has to be enforced as a *charge* on the holding and

(3) Cases where rent has to be recovered from (the person of) the inferio holder.

9. In regard to case (1), the period applicable according to the Chief Court decision in the case of N. Subba Rao *v.* Veera Naika (XI Mysore Chief Court Reports, 118) is six years and the same period is adopted in the Bill. No alteratio is therefore called for.

In regard to case (2), the period applicable would be 12 years under Article 132 of the Limitation Regulation if no special provision were made fixing a different period. For various reasons we deem it undesirable that such a long period should be allowed for the recovery of the superior holder's dues. We consider that a period of six years is quite sufficient. We therefore propose the addition of the words "or to enforce a charge for rent or revenue on a holding" to column 1 of the proposed Article 119A.

10. This change will constitute an exception to Article 132 of the first schedule of the Limitation Regulation and we therefore suggest that the words "except in cases provided for in Article 119 A" be added to the words in column 1 of that article.

11. Cases falling under class (3) referred to in para 8 above, *viz.*, simple suits for rent (in which the superior holder cannot have a charge on the holding, as the inferior holder will have no interest in it) will continue to be governed by Article 110 of the first schedule of the Limitation Regulation, which fixes a period of three years for such suits.

We recommend that the Bill as now amended may be passed.

K. P. PUTTANNA CHETTY.
H. V. NANJUNDAYYA.
RAJAMANTRAPRAVINA
C. SRINIVASIENGAR.
RAJAKARYAPRAVINA
A. RANGASWAMI IYENGAR.
D. DEVARAJ URS.
D. VENKATARAMAIYA.

Mysore,
30th October 1911.

Mr. Ramanna, who was also a member of the Select Committee, was unable to be present at the meeting.

A Bill further to amend the Mysore Land Revenue Code, Regulation No. IV of 1888.

(As amended by the Select Committee.)

[*N.B.*—Omissions are indicated by square brackets and additions by italics.]

Preamble.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section before Section 97.

1. The following new section shall be inserted under the heading "Recovery of superior holders' dues" and before Section 97 as Section 96 A, *viz.*,—

Land revenue payable to a superior holder by an inferior holder to be a first charge on the holding.

"96 A. Any rent or land revenue [(together with interest at rates fixed by any rules framed by Government under Section 154)] payable by an inferior holder to a superior holder *together with interest at rates fixed by any rules framed by Government*, shall be a first charge on the holding or any part thereof, provided that nothing in this section shall affect any right of the Government or any right or encumbrance created by the inferior holder with the consent of the superior holder in writing registered on before the date of this Regulation coming into force."

Amendment of proviso to Section 97.

2. The words "within two years from the end of the revenue year or the year of tenancy" shall be substituted for the words "within the revenue year or within the year of tenancy" in the proviso to Section 97.

Amendment of Schedule I to the Mysore Limitation Regulation, 1911.

3. The following article shall be inserted after Article 119 of the first schedule to the Mysore Limitation Regulation, 1911, *viz.*,—

"119 A. By a superior holder to recover arrears of revenue from an inferior holder *or to enforce a charge for rent or revenue on a holding.*"	Six years	The end of the revenue year for which the amount became due.

4. The words "except in cases provided for in Article 119 A" shall be inserted at the end of column 1 of Article 132 of the first schedule to the Mysore Limitation Regulation, 1911.